

SECRETARY OF STATE[721]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 9E.3 and 9E.7, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 43, “Notarial Acts,” Iowa Administrative Code.

The rules in Chapter 43 describe the requirements of a notarial act, including the effects of notarial acts under law. This amendment adds new rule 721—43.7(9E), which requires that a notary provide an e-mail address through which to receive notices and other communication.

Any interested person may make written suggestions or comments on this proposed amendment on or before May 8, 2012. Such written materials should be directed to the Office of the Secretary of State, Attn: Doug Struyk, Capitol Building, Des Moines, Iowa 50319; fax (515)242-5952. Persons who wish to convey their views orally should contact the Secretary of State’s office by telephone at (515)281-7041 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building.

After analysis and review of this rule making, no adverse impact on jobs has been found. Official correspondence to notaries through e-mail addresses will decrease the costs of postage currently associated with such communications. E-mail correspondence also increases the timeliness and efficiency of communications from the Secretary of State to notaries.

This amendment is intended to implement Iowa Code chapter 9E.

The following amendment is proposed.

Adopt the following new rule 721—43.7(9E):

721—43.7(9E) Electronic communication. A notarial officer shall provide an e-mail address to the secretary of state for purposes of official correspondence.

43.7(1) An e-mail address disclosed in compliance with this rule shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the secretary of state.

43.7(2) The secretary of state may use e-mail for official correspondence with an entity, except when law requires delivery by the United States Postal Service.

43.7(3) All electronic correspondence shall be handled in accordance with the requirements set forth in the uniform electronic transactions Act, Iowa Code chapter 554D, subchapter 1.